**COURT OF THE LOK PAL (OMBUDSMAN), ELECTRICITY, PUNJAB,**

 **PLOT NO. A-2, INDUSTRIAL AREA, PHASE-1,**

**S.A.S. NAGAR (MOHALI).**

 **APPEAL No. 01/2021**

**Date of Registration : 01.01.2021**

**Date of Hearing : 18.01.2021**

**Date of Order : 22.01.2021**

**Before:**

 **Er. Gurinder Jit Singh,**

**Lokpal (Ombudsman), Electricity, Punjab**.

**In the Matter of:**

 Sat Paul S/o Sh. Bhola Ram,

 C/o Jagdambay Sweets,

 Main Road, Near Sabzi Mandi,

 Aggarwal Dharamshala Samana.

 **Contract Account Number 3000993283**  ...Appellant

 Versus

Addl. Superintending Engineer,

DS Division, PSPCL, Samana.

 ...Respondent

**Present For:**

Appellant : Sh. Dinesh Kumar,

 Appellant’s Representative (AR).

Respondent : Er. Ravinder Singh,

 Assistant Engineer,

 DS City Sub Division,

PSPCL, Samana.

Before me for consideration is an Appeal preferred by the Appellant against the decision dated 09.12.2020 of the Consumer Grievances Redressal Forum (Forum), Patiala in Case No. CGP-245 of 2020, deciding that:

*“The bill of Rs. 1,59,700/- issued to the petitioner in the month of 12/2020 for the period from 25.10.2019 to 27.12.2019 is recoverable.”*

**2*.* Registration of the Appeal**

A scrutiny of the Appeal and related documents revealed that the Appeal was received in this Court on 01.01.2021 i.e. within thirty days of receipt of the decision dated 09.12.2020 of the CGRF, Patiala in Case No. CGP-245 of 2020 by the Appellant. The Appellant submitted copies of Receipts No. 147006388 dated 20.08.2020 for ₹ 10,000/-, No. 147006548 dated 20.08.2020 for ₹ 22,000/-, No. 147700035 dated 04.09.2020 for ₹ 20,000/- and No. 153149068 dated 30.12.2020 for ₹ 12,000/-. Thus the Appellant deposited ₹ 64,000/-which was more than the requisite 40% of the disputed amount of ₹ 1,59,700/-. Therefore, the Appeal was registered and copy of the same was sent to the Senior Executive Engineer/ DS Division, PSPCL, Samana for sending written reply/ parawise comments with a copy to the office of the CGRF, Patiala under intimation to the Appellant vide letter nos. 02-04/OEP/A-01/2021 dated 01.01.2021.

**3.** **Proceedings**

With a view to adjudicate the dispute, a hearing was fixed in this Court on 13.01.2021 at 11.00 AM and an intimation to this effect was sent to both the sides vide letter nos. 26-27/OEP/ A-01/2021 dated 08.01.2021. But, the hearing was adjourned to 18.01.2021 on the request of the Appellant received vide e-mail dated 11.01.2021. Accordingly, both the sides were informed vide letter nos. 40-41/OEP/A-01/2021 dated 11.01.2021 to attend the hearing on 18.01.2021 at 11.00 AM. As per revised schedule, the hearing was held on 18.01.2021 in this Court. Copies of the minutes of the proceedings were sent to the Appellant and the Respondent vide letter nos. 63-64/OEP/ A-01/2021 dated 18.01.2021 mentioning inter-alia that arguments were closed and the order was reserved.

**4. Submissions made by the Appellant and the Respondent**

Before undertaking analysis of the case, it is necessary to go through written submissions made by the Appellant and reply of the Respondent as well as oral submissions made by the Appellant’s Representative and the Respondent alongwith material brought on record by both the sides.

1. **Submissions of the Appellant**

**(a) Submissions made in the Appeal**

The Appellant made the following submissions in its Appeal for consideration of this Court:-

1. The Appellant was having a Non Residential Supply Category Connection bearing Account No. 3000993283with sanctioned load of 1.86 kW.
2. The Appellant was served with a bill dated 28.08.2019 for 8052 units and another bill dated 25.10.2019 for 3480 units. The Appellant had represented against the said bills to the Respondent and requested for correction of the said bills.
3. The Appellant was told that the bills were correct and he was asked to deposit the same. It was stressed that non deposit of the bills would attract disconnection of the meter of the Appellant.
4. Thereafter Appellant visited the office of the Respondent many times but he was not heard.
5. The Appellant filed Petition before the Consumer Grievances Redressal Forum, Patiala on 08.03.2020. The Appellant was called for hearing on 31.03.2020 but because of the lockdown, the hearing of the case was postponed.
6. The Appellant was directed to deposit a sum of ₹ 20,000/- during the proceedings on 20.08.2020. The Appellant deposited the requisite amount where after, his case was registered on 08.09.2020. The connection of the Appellant was restored on 23.10.2020.
7. The Forum closed the case of the Appellant on 17.11.2020 with a direction that he would be informed about the decision of his Petition later on.
8. The Petition of the Appellant was disposed of on 09.12.2020 as per email sent by the Forum to him.
9. The Appellant was not satisfied with the decision of the case and requested this court for justice and remission/ concession of bills sent to him for 8052 units and 3420 units, surcharge and interest thereon.

**(b)** **Submission during hearing**

During hearing on 18.01.2021, the Appellant’s Representative reiterated the submissions made in the Appeal and prayed to allow the same.

1. **Submissions in written reply**

The Respondent submitted the following in its written reply for consideration of this Court:

1. The Appellant’s connection was running under category non residential supply with sanctioned load of 1.86 kW but as per LCR No. 43/404 dated 29.06.2020, the connected load of the Appellant was 5.62 kW.
2. The Appellant had challenged bill for the month of 12/2019 for the period from 25.10.2019 to 27.12.2019 for ₹ 1,59,700/-. This bill was for 1430 units having ‘O’ code and it included outstanding amount of previous bills amounting to ₹ 1,46,242/-.
3. The bill of the Appellant was for 8294 units in August, 2019 for 125 days and D Code bill was for 485 units in August, 2018. The Appellant defaulted in making the payment of the bills and as such, his connection was disconnected under SAP system. Therefore, neither data for August, 2018 nor for August, 2020 could be made available.
4. The defective meter of the Appellant was replaced on 04.12.2018 and thereafter the Appellant used to receive bill under ‘O’ Code. When the Meter Reader took reading on 24.06.2019, the bill of the Appellant was issued under ‘P’ code as the consumption of the Appellant was more than usual consumption. The reading was 7064 on 24.06.2019 which confirmed consumption of 3577 units. The Appellant was issued bill for consumption of 3487 units from 04.12.2018 to 24.04.2019 (141 days) and for consumption of 1634 units from 25.10.2019 to 13.02.2020 (111 days), which was a winter season.
5. During checking, it was found that when PDCO was affected on 13.02.2020, the Appellant was consuming electricity against Account No. 3000329728 in the name of Jagdambay Sweets.
6. The consumption of the Appellant during the year 2015 was 4256 units and during the year 2016 was 5893 units and for 6 months during the year 2017 it was 583 units.
7. As per the Appellant, he received bill of excessive units in August, 2019 and then in October, 2019. He again received bill of excessive units but the Appellant neither took any action nor challenged the working of the meter.
8. The Appellant had paid bill once during the year 2017 and he did not pay any bill during the year 2018. He paid the bill twice in the year 2019.

**(b)** **Submission during hearing**

During hearing on 18.01.2021, the Respondent reiterated the submissions made in the Appeal and prayed to dismiss the same. The Assistant Engineer, DS City Sub Division, Samana (deputed by Addl.S.E/DS, Samana) was asked to intimate the action taken after noticing the use of load in excess of the sanctioned one after checking the Appellant’s connection vide LCR nos. 43/404 dated 29.06.2020 and 40/487 dated 16.11.2020. In response, the aforesaid Assistant Engineer stated that no follow up action in this regard was taken.

**5.** **Analysis and Findings**

The issue requiring adjudication is the legitimacy of the bill amounting to ₹ 1,59,700/- (including unpaid amounts of earlier bills) issued to the Appellant on 27.12.2019 for the period from 25.10.2019 to 27.12.2019 showing consumption of 1430 units on ‘O’ Code basis.

*My findings on the points emerged, deliberated and analysed are as under:*

1. The Appellant’s Representative stated that the Appellant was served with a bill dated 28.08.2019 for 8052 units and another bill dated 25.10.2019 for 3480 units. The Appellant had requested the Respondent for correction of the said bills but was told that the bills were correct and he was asked to deposit the same. He was also informed that non deposit of the bills would attract disconnection of the meter of the Appellant. Thereafter, the Appellant visited the office of the Respondent many times but was not heard. The connection of the Appellant was disconnected on 13.02.2020. Aggrieved, the Appellant approached the Forum in March, 2020. After hearing, the Forum passed order dated 09.12.2020 and upheld the electricity bill dated 27.12.2019 for ₹ 1,59,700/-.
2. As per material on record, the Meter became defective during August, 2017. As a result, Device Replacement Job Order No. 100005269983 dated 15.01.2018 was issued and affected on 17.12.2018 and meter bearing Sr. No. 116263 (which is subject matter of present dispute) was installed. Thereafter, bills on ‘O’ code basis were issued on 27.02.2019, 24.04.2019, 27.08.2019, 25.10.2019 and 27.12.2019. But the Appellant defaulted in making the payment of bills issued for electricity consumption. The said meter was removed due to PDCO dated 13.02.2020 at Final Reading of 16,795 and was sent to ME Lab vide Store Challan No. 05 dated 17.03.2020 as the Appellant had not challenged the meter which showed ‘O’ code till the date of disconnection. The consumption pattern of the Meter, after its installation in 12/2018 till its removal in 02/2020 is tabulated as under:-

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Reading | Meter Reading | Consumption (kWh) | Meter Code |
| New Reading | Old Reading |
|  27.02.2019 | 1805 | 0 | 1805 | O |
| 24.04.2019 | 3487 | 1805 | 1682 | O |
| 24.06.2019 | 3729 | 3487 | 242 | P |
| 27.08.2019 | 11781 | 3487 | 8294 | O |
| 25.10.2019 | 15161 | 11781 | 3380 | O |
| 27.12.2019 | 16591 | 15161 | 1430 | O |
| 13.02.2020 | 16795 | 16591 | 204 | O |

The above details reveal that after recording reading of 3487 on 24.04.2019, meter reader recorded reading of 3729 on 24.06.2019 and put ‘P’ code which means that he had observed some higher reading on 24.06.2019. Subsequently, on 27.08.2019, the meter reader recorded reading of 11781 on ‘O’ code. Thereafter, on 25.10.2019, the reading of 15161 had been recorded on ‘O’ code and reading of 16591 was recorded on 27.12.2019. Finally, reading of 16795 was recorded on 13.02.2020 at the time of effecting PDCO. The consumption of the Appellant during 24.04.2019 to 25.10.2019 (6 months) was 11674 (15161-3487) units during summer season. The consumption of the Appellant from 25.10.2019 to 13.02.2020 (3-1/2 months) was 1634 (16795-15161) units during winter season.

1. While adjudicating the dispute of the Appellant, the Forum observed that the consumption of the Appellant during the years 2015 and 2016 was 4256 & 5893 units respectively. The consumption during first 6 months of the year 2017 was only 583 units. The previous meter of the Appellant got damaged during August, 2017 and DRA No. 100005269983 dated 15.01.2018 was issued but the same was affected on 17.12.2018 meaning thereby that defective meter remained installed in Appellant's premises for a period of about 17 months. The Forum rightly observed that this was a very serious lapse on the part of the Respondent.
2. It is observed that the Appellant, on receipt of bills during August, 2019 and October, 2019, did not prefer to challenge the meter/ bills and instead, stopped paying his regular bills when the disputed meter was removed on 13.02.2020. The Appellant, then, filed a Petition in the Forum in March, 2020. This showed that the Appellant had no dispute about the working of the meter or consumption recorded by the meter. I find that due to dismantlement of meter on OK code and non challenge of meter by the Appellant, the meter was returned to ME Lab vide Store Challan No. 05 dated 17.03.2020 without any further checking/investigation and without downloading of data from the meter.
3. The load of the Appellant’s connection was checked vide LCR No. 43/404 dated 29.06.2020 as per which, it was reported that:

“ਉਪਰੋਕਤ ਖਪਤਕਾਰ ਦੇ ਖਾਤੇ ਦਾ Dispute Case ਹੋਣ ਕਾਰਨ ਅਹਾਤਾ ਚੈੱਕ ਕੀਤਾ ਗਿਆ ਅਤੇ ਪਾਇਆ ਗਿਆ ਕਿ ਖਪਤਕਾਰ ਦਾ ਉਪਰੋਕਤ ਖਾਤਾ ਮਿਤੀ 13/02/2020 ਨੂੰ ਕੁਤਾਹੀ ਰਕਮ 1,77,840/- ਰੁਪਏ ਨਾ ਭਰਨੇ ਕਾਰਨ PDCO ਕਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਮੌਕੇ ਤੇ ਚੈੱਕ ਕਰਨ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਇਸ ਅਹਾਤੇ ਦੀ ਸਪਲਾਈ ਖਾਤਾ ਨੰ. 3000329728 [ ਜਗਦੰਬੇ ਸਵੀਟਸ (ਸਮਾਣਾ) ] ਤੋਂ ਚੱਲਦੀ ਪਾਈ ਗਈ। ਇਸ ਲਈ ਇਹ ਕੁਤਾਹੀ ਰਕਮ ਉਪਰੋਕਤ ਖਾਤੇ ਨੂੰ ਚਾਰਜ ਕੀਤੀ ਜਾਵੇ । CF 29/0009 ਖਾਤੇ ਦੇ ਅਹਾਤੇ ਦਾ ਲੋਡ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਪਾਇਆ ਗਿਆ। UUE Case ਹੈ। ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਬਣਦੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ ।

ਖਾਤਾ ਨੰ. 3000329728 ਦੇ ਮੀਟਰ ਦੇ ਵੇਰਵੇ

Sr. No. 224190 M: Flash Cape: 10-60 Amp

R: 010667 kWh

Remarks

Load=5.62 kW

The load of the Appellant’s connection was also checked vide LCR No. 40/487 dated 16.11.2020 as per which, it was reported that:

“ਖਪਤਕਾਰ ਦਾ Case CGRF ਵਿੱਚ ਲੱਗਾ ਹੋਣ ਕਾਰਨ ਅਹਾਤਾ ਚੈੱਕ ਕੀਤਾ ਗਿਆ ਅਤੇ Connected Load ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਪਾਇਆ ਗਿਆ।

Make & Type-L&T

Capacity-10-60 Amp

Revs & kWh-348 kWh, 447 kVAh; [2.85 kW, 3.44 kVA]-MDI

Sr. No./guide No.-95452395

ਮੀਟਰ ਦੇ ਵੇਰਵੇ ਚੈਕਿੰਗ ਅਨੁਸਾਰ ਪਾਏ ਗਏ। ਮਹਿਕਮੇ ਦੀਆਂ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਬਣਦੀ ਕਾਰਵਾਈ ਕੀਤੀ ਜਾਵੇ ।

M & T-2 No. Intact

WORKING OF METER-ਮੀਟਰ ਦੀ Pulse Load ਤੇ Blink ਕਰਦੀ ਪਾਈ ਗਈ।

Remarks

Load=3.670 kW

It is observed that no follow up action on the findings of LCRs (referred to above) was taken by the Respondent as confirmed by material on record and also by Assistant Engineer, DS City Sub Division, PSPCL, Samana during hearing on 18.01.2021.

1. From the above analysis, it is concluded that the Appellant was not able to provide any valid evidence to disprove the legitimacy of the amount charged to him vide bill dated 27.12.2019. Mere submission that the disputed bill(s) issued to him were on higher side is not sufficient to claim relief. The very fact that the Appellant did not even challenge the working of the meter installed at his premises after receipt of bills considered by him on higher side and status of Meter shown as per meter reading during disputed period confirmed that the disputed bills raised as per actual consumption recorded were correct. The continued default in payment of electricity bills issued to him without any challenge led to disconnection/ removal of the Meter on 13.02.2020 and thus resulted in unnecessary litigation. The Appellant also acted unauthorisedly by using power supply for the disconnected /disputed premises from another premises having connection (bearing Account No. 3000329728) located on first floor as per checking vide LCR no. 43/404 dated 29.06.2020. Action may be taken by the licensee as per law / regulations prescribed for this purpose. The Respondent failed to act as per regulations and its own instructions to take timely and prompt action against the Appellant on its failure to make timely payments of electricity bills. The Respondent had admitted in its reply that the Appellant made payment of electricity bills only once in the year 2017 and no payments were made during the year 2018. Further, payment was made only twice during the year 2019. Failure to take timely action as per regulations against the Appellant by the Respondent resulted in accumulation of arrears.
2. In view of the above, the decision dated 09.12.2020 of the Forum deciding that the bill dated 27.12.2019 was justified and recoverable is in order and does not warrant any interference from this Court.

**6.** **Decision**

As a sequel of above discussions, the order dated 09.12.2020 of the CGRF, Patiala in Case No. CGP-245 of 2020 is upheld.

**7.** The Appeal is disposed of accordingly.

**8**. As per provisions contained in Regulation 3.26 of Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016, the Licensee will comply with the award/ order within 21 days of the date of its receipt.

**9.** In case, the Petitioner or the Respondent is not satisfied with the above decision, it is at liberty to seek appropriate remedy against this order from the appropriate Bodies in accordance with Regulation 3.28 of the Punjab State Electricity Regulatory Commission (Forum and Ombudsman) Regulations-2016.

(GURINDER JIT SINGH)

 January 22, 2021 Lokpal (Ombudsman)

 S.A.S. Nagar (Mohali) Electricity, Punjab.